IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CONTEMPT PETITION NO. 23 OF 2006

ALONG WITH

CONTEMPT PETITION NO. 26 OF 2006

IN

WRIT PETITION NO.632 of 2006

CONTEMPT PETITION NO. 23 OF 2006

Ganpat Mahadeo Kadam & Anr. ...Petitioners

Versus

Mr. Rangari & Ors. ...Respondents

With

CONTEMPT PETITION NO. 26 OF 2006

Mr. Tukaram Bapu Patil & Ors. ..Petitioners

Versus

The Union of India & Ors. ..Respondents

Mr. S.K.Chourasiya i/b. A.M.Saraogi for the petitioners.

Mr. A.M.Samant for Respondents 1 & 2.

Mr. V.V.Khemka for Respondents Nos.6 to 8 & 10 to 21.

Mr. Milind More, AGP, for Respondents Nos. 3 & 4.

CORAM: S.K.SHAH,J.

DATE : 22nd September,2006

P.C.

1. Heard Counsel on both sides. Perused the order of which contempt is alleged to have been commited. The order mentions as under :-

> "...what we observe is that if the Railways require the parcel of land occupied by the Petitioners, they will do so by adopt due process of Law."

The earlier part of the order mentions that the petitioners are having their hutment in the property belonging to Railways. It is, therefore, obvious that the order passed is concerning the hutments in the property belonging to the Railways.

2. As such, the learned Counsel for the Petitioners was asked to point out from the Petition whether there is any statement made in the petition that hutment has been demolished. The learned Counsel for the Respondents states that what is demolished is the Railways' own property and not any hutment. The learned Counsel for the Petitioners is unable to point out from the petition that any hutment has been demolished without due process of law.

3. Under the circumstances, both the Contempt Petitions are totally misconceived. The allegations made in the Petitions are entirely different.

Under the circumstaces, both the Contempt Petitions are dismissed with costs of Rs.5,000/- each, to be paid to the High Court Library.

(S.K.SHAH,J.)